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15 UNITED STATES DISTRICT COURT
16 FOR THE WESTERN DISTRICT
17 OF WASHINGTON AT TACOMA

18 EQUAL EMPLOYMENT OPPORTUNITY
19 COMMISSION,

20 CIVIL ACTION NO.

21 Plaintiff

22 COMPLAINT

23 v.

24 JURY TRIAL DEMAND

25 NELSON INDUSTRIAL SERVICES,
INC.,

Defendant.

26 NATURE OF THE ACTION

27 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
28 Civil Rights Act of 1991 to correct unlawful employment practices and to provide
29 COMPLAINT Page 1 of 5

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appropriate relief to Georgiana Meyers, who was adversely affected by such practices.
1
2 The Equal Employment Opportunity Commission ("EEOC" or "the Commission") alleges
3 that defendant harassed Ms. Meyers because of her sex, creating a hostile work
4 environment. The EEOC also alleges that defendant's conduct, including its failure to
5 take prompt remedial actions to stop the harassment, caused Ms. Meyer's constructive
6 discharge. Plaintiff seeks monetary and injunctive relief, including pecuniary and
7 nonpecuniary compensatory damages and punitive damages.
8

9 JURISDICTION AND VENUE

10 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
11 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections
12 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§
13 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42
14 U.S.C. §1981a.

15 2. The employment practices alleged to be unlawful were committed within
16 the jurisdiction of the United States District Court for the Western District of Washington.
17

18 PARTIES

19 3. Plaintiff, the Equal Employment Opportunity Commission (the
20 "Commission"), is the agency of the United States of America charged with the
21 administration, interpretation and enforcement of Title VII, and is expressly authorized to
22 bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).
23

24 4. At all relevant times, defendant, Nelson Industrial Services, Inc., ("Nelson
25 Industrial") incorporated in the State of Oklahoma, has continuously been a corporation

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1 doing business in the State of Washington, and has continuously had at least 15
2 employees.

3 5. At all relevant times, defendant has continuously been an employer
4 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g)
5 and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).

6 STATEMENT OF CLAIMS

7 6. More than thirty days prior to the institution of this lawsuit, Georgiana
8 Meyers filed a charge with the Equal Employment Opportunity Commission alleging
9 violations of Title VII by defendant Nelson Industrial. All conditions precedent to the
10 institution of this lawsuit have been fulfilled.

12 7. From at least September, 2005 to May, 2006 defendant engaged in
13 unlawful employment practices at its Washington based facility in violation of § 703(a) of
14 Title VII, 42 U.S.C. §§ 2000e-2(a). Defendant affected the terms and conditions of Ms.
15 Meyers' employment by subjecting her to a sexually hostile work environment and
16 causing her constructive discharge by failing to take prompt remedial actions to stop the
17 harassment.

19 8. The effect of the practices complained of in paragraph 7 above has been
20 to deprive Ms. Meyers of equal employment opportunities and otherwise adversely
21 affect her status as an employee of Nelson Industrial because of her sex.

22 9. The unlawful employment practices complained of in paragraph 7 above
23 were intentional.

10. The unlawful employment practices complained of in paragraph 7 above
1
2 were done with malice or with reckless indifference to the federally protected rights of
3
Ms. Meyers.

4 **PRAYER FOR RELIEF**

5 Wherefore, the Commission respectfully requests that this Court:

6 A. Grant a permanent injunction enjoining defendant, its officers, successors,
7 agents, assigns, and all persons in active concert or participation with it, from engaging
8 in any other employment practice which discriminates on the basis of sex.

9 B. Order defendant to institute and carry out policies, practices, and
10 programs which provide equal employment opportunities for all employees and which
11 eradicate the effects of its past and present unlawful employment practices.

12 C. Order defendant to make whole Ms. Meyers by providing compensation
13 for past and future pecuniary losses resulting from the unlawful employment practices
14 described in paragraph 7 above, including past and future out-of-pocket expenses, in
15 amounts to be determined at trial.

16 D. Order defendant to make whole Ms. Meyers by providing compensation
17 for past and future nonpecuniary losses resulting from the unlawful practices
18 complained of in paragraph 7 above, including without limitation emotional pain,
19 suffering, and loss of enjoyment of life, in amounts to be determined at trial.

20 E. Order defendant to pay Ms. Meyers punitive damages for its malicious and
21 reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

1 F. Grant such further relief as the Court deems necessary and proper in the
2 public interest.

3 G. Award the Commission its costs of this action.

4 **JURY TRIAL DEMAND**

5 The Commission requests a jury trial on all questions of fact raised by its complaint.

6
7
8 DATED this 25th day of September, 2007.
9

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